

Peter A. Javanmardi (State Bar No. 258449)  
[peter@javanmardilaw.com](mailto:peter@javanmardilaw.com)  
Marc A. Holmquist (State Bar No. 258406)  
[marc@holmquistlaw.com](mailto:marc@holmquistlaw.com)  
Miranda A. Mossavar (State Bar No. 279251)  
[miranda@mossavarlaw.com](mailto:miranda@mossavarlaw.com)  
JAVANMARDI LAW, PC | HOLMQUIST LAW, PC  
1875 Century Park East, Suite 1025  
Los Angeles, CA 90067  
Telephone: (424) 286-4240  
Facsimile: (310) 564-0347

Attorneys for Plaintiff  
JIM NICHOLAS JAMES

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

JIM NICHOLAS JAMES,

Plaintiff,

v.

TWENTIETH CENTURY FOX FILM  
CORPORATION; THE WALT DISNEY  
COMPANY; ABC SIGNATURE  
STUDIOS, INC.; and DOES 1 through 10,  
Inclusive,

Defendants.

Case Number: 22ETCV31648

[Unlimited Jurisdiction]

**COMPLAINT FOR DAMAGES:**

1. FEHA Employment Discrimination (Gov. Code §12940(a));
2. Harassment in Violation of FEHA (Gov. Code §12940(j))
3. FEHA Retaliation (Gov. Code §12940(h));
4. FEHA Failure to Prevent/Remedy Discrimination or Retaliation (Gov. Code §12940(k));
5. Wrongful Termination in Violation of Public Policy;
6. Retaliation (Lab. Code § 1102.5)
7. Defamation; and
8. Intentional Infliction of Emotional Distress.

**[JURY TRIAL DEMANDED]**

///

///

///

///

1 Plaintiff JIM NICHOLAS JAMES, demanding a jury trial, brings this action  
2 against Defendants TWENTIETH CENTURY FOX FILM CORPORATION; THE  
3 WALT DISNEY COMPANY; ABC SIGNATURE STUDIOS, INC.; and DOES 1  
4 through 10, for general, compensatory, punitive, and statutory damages, and costs and  
5 attorneys' fees resulting from Defendants' unlawful conduct, and as grounds therefore  
6 alleges as follows:

7  
8 **GENERAL ALLEGATIONS**

9 1. Plaintiff JIM NICHOLAS JAMES (hereafter "PLAINTIFF") was at all  
10 relevant times in this matter an adult male working for TWENTIETH CENTURY FOX  
11 FILM CORPORATION; WALT DISNEY COMPANY, LLC; ABC SIGNATURE  
12 STUDIOS, INC; (collectively, "DEFENDANT EMPLOYERS" or "Defendants") on  
13 various television and movie sets located in Los Angeles County in the State of  
14 California.

15 2. Plaintiff is informed and believes, and based thereon allege, that at all times  
16 relevant in this Complaint, Defendant TWENTIETH CENTURY FOX FILM  
17 CORPORATION (hereafter "FOX") is and was a corporation authorized to operate in  
18 the State of California with its headquarters and principal place of business located at  
19 10201 W. Pico Blvd., Los Angeles, California 90035. FOX was Plaintiff's employer  
20 during the relevant time period.

21 3. Plaintiff is informed and believes, and based thereon allege, that at all times  
22 relevant in this Complaint, Defendant THE WALT DISNEY COMPANY (hereafter  
23 "DISNEY") is and was a corporation authorized to operate in the State of California with  
24 its headquarters and principal place of business located at 500 S. Buena Vista Street,  
25 Burbank, California, 91521. DISNEY was Plaintiff's employer during the relevant time  
26 period.

27 ///

28 ///

1           4. Plaintiff is informed and believes, and based thereon allege, that at all times  
2 relevant in this Complaint, Defendant ABC SIGNATURE STUDIOS, INC., (hereafter  
3 “ABC”) is and was a corporation authorized to operate in the State of California with its  
4 headquarters and principal place of business located at 500 S. Buena Vista Street, Mail  
5 Code 4242, Burbank, California 91521. ABC was Plaintiff’s employer during the  
6 relevant time period.

7           5. Plaintiff is ignorant of the true names and capacities of Defendants sued as  
8 DOES 1 through 10, inclusive, and therefore sues these Defendants by such fictitious  
9 names. Plaintiff will amend this Complaint to allege their true names and capacities when  
10 ascertained. Plaintiff is informed and believes and based thereon alleges that each of these  
11 fictitiously named Defendants is responsible in some manner for the occurrences herein  
12 alleged, and that Plaintiff’s injuries as herein alleged were proximately caused by these  
13 Defendants.

14           6. Plaintiff is informed and believes and based thereon alleges that, at all  
15 relevant times, each of the Defendants, whether named or fictitious, was the agent,  
16 employee or alter ego of each of the other Defendants, and in doing the things alleged to  
17 have been done in the Complaint, acted within the scope of such agency or employment,  
18 or ratified the acts of the other.

19           7. Whenever and wherever reference is made in this Complaint to any act or  
20 failure to act by a defendant or co-defendant, such allegations and references shall also  
21 be deemed to mean the acts and/or failures to act by each defendant acting individually,  
22 jointly and severally.

23           8. On information and belief, DEFENDANT EMPLOYERS employed at least  
24 five (5) employees at all relevant times and is therefore subject to the California Fair  
25 Employment and Housing Act, California Government Code section 12900, et seq.  
26 (hereafter “FEHA”).

27 ///

28 ///

1           9. Plaintiff is informed and believes and based thereon alleges that, at all times  
2 material herein, each Defendant, and/or their respective agents, employees or supervisors,  
3 authorized, condoned and/or ratified the unlawful conduct of each other.

4           10. In addition, each Defendant compelled, coerced, aided, and abetted the  
5 discrimination, which is prohibited under California Government Code section 12940(i).

6           11. Plaintiff is informed and believes and based thereon alleges that, at all times  
7 material herein, DEFENDANT EMPLOYERS and/or their agents, employees, or  
8 supervisors knew or reasonably should have known that unless they intervened to protect  
9 Plaintiff, and to adequately supervise, prohibit, control, regulate, discipline, and/or  
10 otherwise penalize the conduct of the employees of Defendants, employees perceived the  
11 conduct and omissions as being ratified and condoned.

12  
13                                   **FACTUAL ALLEGATIONS**

14           12. Starting in or around November 2018, Plaintiff worked for DEFENDANT  
15 EMPLOYERS, as a freelance lighting technician for film, TV, and entertainment in  
16 Hollywood, California. As a freelancer in the entertainment industry, Plaintiff's status for  
17 work authorization from 2018 to present is that of an O-1 Visa.

18           13. Plaintiff worked for DEFENDANT EMPLOYERS in Los Angeles County  
19 and surrounding areas from approximately November 2018 until February 6, 2021, on  
20 multiple productions without issue.

21           14. Starting on or about February 6, 2021, and through February 7, 2021,  
22 Plaintiff worked on an ABC production entitled, Rebel. On February 8, 2021, Plaintiff  
23 received his hiring documents, including a I-9 verification. Plaintiff completed and  
24 submitted this paperwork timely on February 9, 2021. The following day, DEFENDANT  
25 EMPLOYERS requested copies of Plaintiff's passport, social security card, and  
26 California Driver's license for I-9 verification. That same afternoon, Plaintiff received a  
27 telephone call from ABC's assistant production coordinator, Talia Fliegelman, who  
28 stated that she had spoken with both ABC and Disney and was informed that neither were

1 allowed to employ Plaintiff. Plaintiff, surprised given that he had been employed by both  
2 entities in the same capacity since 2019, called Fliegelman to inquire what the issue was.  
3 Fliegelman stated that Plaintiff needed an I-94 and I-79 (Plaintiff corrected her,  
4 explaining that she actually meant an I-797B). Plaintiff emailed her the requested  
5 documents and waited to hear back.

6 15. Eventually, ABC responded by telling Plaintiff that they would not timely  
7 pay him because his O-1 petition was “not Disney approved.” The following day, Ms.  
8 Fliegelman sent an email to all heads of department for Rebel on t the Disney and ABC  
9 team reflecting, that the companies “*can absolutely NOT hire any crew working under*  
10 *an O-1 Visa.*”

11 16. Plaintiff was shocked, felt discriminated against, and proceeded to involve  
12 his union (IATSE Local 728 ‘Local 728’) for assistance. After a significant amount of  
13 unnecessary back and forth over the course of a three-week period, DEFENDANT  
14 EMPLOYERS eventually paid Plaintiff for work on Rebel and allowed him to continue  
15 working on his full-time production of This Is Us: Season 5 (which is made by Fox and  
16 owned by Disney) however they threatened him with job loss on a daily basis. Further,  
17 rather than apologize for putting Plaintiff through the unnerving experience of being  
18 threatened with job loss day in and day out for three weeks, DEFENDANT  
19 EMPLOYERS fabricated a narrative that Fox had been attempting to obtain a copy of  
20 Plaintiff’s immigration paperwork since October 2020 using a Defendant-created untitled  
21 internal checklist, that is not legally accurate or appropriate to determine employment  
22 eligibility in-house. Further, even after he returned to work, Plaintiff was informed by  
23 representatives of DEFENDANT EMPLOYERS that he had been “flagged” and needed  
24 to again present his O-1 petition.

25 17. Thereafter, on or about March 10, 2021, DEFENDANT EMPLOYERS  
26 wrongfully terminated Plaintiff’s employment by erroneously stating that his O-1 petition  
27 only entitled him to work as a gaffer (head of lighting), not as a set lighting technician.  
28

1 This is factually incorrect as both job classifications fall under Local 728 and members  
2 can work from job to job.

3 18. On or about March 11, 2021, Plaintiff filed a formal Step Two Union  
4 grievance, and a union meeting was scheduled for June 3, 2021. Unfortunately, this  
5 meeting continued to be rescheduled while DEFENDANT EMPLOYERS left Plaintiff  
6 without employment. Further, DEFENDANT EMPLOYERS took the erroneous position  
7 that Plaintiff's first visa petition (valid from 2018 through May 2021) did not permit him  
8 to work while simultaneously stating that the renewal of that same visa (from May 2021  
9 to May 2024) was fine. DEFENDANT EMPLOYERS reneged on this position in  
10 January of 2022 stating that Plaintiff was once again unable to work for Plaintiff, even  
11 though they assisted with providing documentation that he required as supporting  
12 evidence of his future employability.

13 19. After months of back-and-forth, and at the direction of Plaintiff's  
14 immigration attorney, DEFENDANT EMPLOYERS agreed to a Zoom meeting in  
15 February 2022 to discuss Plaintiff's employment eligibility – though DEFENDANT  
16 EMPLOYERS specifically requested – one hour before the meeting- that Plaintiff *not*  
17 attend the meeting. During this Zoom meeting, DEFENDANT EMPLOYERS admitted  
18 that they had made a “mistake” and had “mis-read” a portion of Plaintiff's visa. However,  
19 rather than offering to provide him with backpay, reimbursement for his immigration  
20 attorneys' fees, and/or other damages for the near year he had been out of work,  
21 DEFENDANT EMPLOYERS merely offered him the opportunity to return to “This is  
22 Us” – a show ending production in May 2022. However, no one from DEFENDANT  
23 EMPLOYERS ever actually contacted Plaintiff or his immigration counsel, nor his union,  
24 Local 728, following this meeting to discuss the option to return to “This is Us.”

25 20. To date, DEFENDANT EMPLOYERS have not offered to compensate  
26 Plaintiff for the time and money lost or the emotional distress he has suffered over the  
27 last year. Even worse, Plaintiff is informed and believes that DEFENDANT  
28 EMPLOYERS have continued to “red-flag” his name in their internal employee database



1 which discredits Plaintiff and prevents him from obtaining work with any of the multiple  
2 companies DEFENDANT EMPLOYERS own. DEFENDANT EMPLOYERS' illegal  
3 actions have not only caused emotional distress and monetary loss but have also  
4 discredited Plaintiff's name and reputation in this very small industry.

5 21. Plaintiff inquired with FOX, ABC, HULU, and DISNEY about other job  
6 opportunities for which he was qualified and could be considered. (The actual occurrence  
7 of events is that Plaintiff has worked a single day on productions for DEFENDANT  
8 EMPLOYERS but was always denied days being initial day of employment because of  
9 his work authorization) On information and belief, despite such jobs being available,  
10 DEFENDANT EMPLOYERS did not permit Plaintiff to work after he submitted start  
11 paperwork and instead continued to "red-flag" Plaintiff in their systems.

12 22. Plaintiff is informed and believes and based thereon alleges that at minimum  
13 DEFENDANT EMPLOYERS made defamatory statements about him with malice, to  
14 others throughout the organization including but not limited to each other, others in  
15 management, others in Human Resources, and others in the legal department, along with  
16 his own colleagues who are his direct point of contact for offers of work. These included,  
17 but were not necessarily limited to, statements and/or insinuations that Plaintiff was  
18 illegally attempting to work in the United States. DEFENDANT EMPLOYERS did this  
19 for the purpose of establishing a basis to terminate Plaintiff based on illegal reasons; i.e.  
20 for pretextual reasons and out of malice. All of the statements and actions at issue were  
21 false, malicious, discriminatory, retaliatory and/or pretextual. Plaintiff is also informed  
22 and believes that DEFENDANT EMPLOYERS have published to third parties  
23 defamatory statements about Plaintiff.

24 23. On information and belief, DEFENDANT EMPLOYERS' defamatory  
25 statements about Plaintiff were published to various third parties at various times and  
26 places unknown to Plaintiffs but known to DEFENDANT EMPLOYERS. (*See Schessler*  
27 *v. Keck* (1954) 125 Cal.App.2d 827, 835 [matters peculiarly within the knowledge of the  
28 defendants may properly be alleged upon information and belief].)

24. All such communications to third parties (i.e., parties who are not the plaintiff) constitutes publication. (*Kelly v. General Telephone Co.* (1982) 136 Cal.App.3d 278, 284.) DEFENDANT EMPLOYERS did so maliciously, with no reasonable belief that the statements were true, with reasons to doubt the veracity of the statements, or knowing they were false. All of the foregoing defamatory statements were published excessively; i.e., to more third parties than needed to know, which further evidences malice. (*Rancho La Costa, Inc. v. Sup. Ct.* (1980) 106 Cal.App.3d 646, 665-6.)

25. Plaintiff is informed and believes and based thereon alleges that DEFENDANT EMPLOYERS did not conduct a good faith investigation into the purported reasons for Plaintiff's termination before terminating his employment, refusing to re-hire him, and "red-flagging" Plaintiff in their systems. Plaintiff is informed and believes and based thereon alleges that DEFENDANT EMPLOYERS failed to follow their policies and procedures in carrying out the termination of Plaintiff's employment.

26. On or about September 26, 2022, Plaintiff exhausted his administrative remedies by timely filing a Complaint of Discrimination with the DFEH regarding the claims alleged herein against Defendants. Per Plaintiff's request, an immediate right-to-sue letter was issued on September 26, 2022.

### FIRST CAUSE OF ACTION

**(Employment Discrimination Pursuant to Government Code § 12940(a),  
Against DEFENDANT EMPLOYERS and Does 1 through 10)**

27. Plaintiff re-alleges and incorporates all previous and subsequent paragraphs of this Complaint, as though fully set forth herein.

28. California's Anti-Discrimination laws extend to immigrants, including undocumented immigrants. Cal. Code Regs. tit. 2 § 11028. On July 1, 2018, new regulations from California's Fair Employment and Housing Council ("FEHC") clarified that discrimination based on immigration status is prohibited under Fair Employment and Housing Act ("FEHA"). Cal. Code Regs. tit. 2 § 11028. In particular, through the 2018



1 regulations, the FEHC sought to make clear that immigration status discrimination is a  
2 subset of discrimination based on national origin.

3 29. Under Government Code section 12940(a), it is an unlawful employment  
4 practice for an employer to refuse to hire or employ a person, or to discriminate against  
5 a person in the terms, conditions, or privileges of employment on the basis of, among  
6 other things, due to their national origin. The 2018 regulations explicitly state that under  
7 FEHA the “national origin” protected category encompasses an  
8 employee’s immigration status. Cal. Code Regs. tit. 2 § 11028(f)(3). An employer who  
9 discriminates against an employee or applicant due to immigration status, must  
10 demonstrate by “clear and convincing evidence” that such discrimination is “required in  
11 order to comply with federal immigration law.” *Id.* Additionally, citizenship requirements  
12 that are a pretext for discrimination or serve the purpose of discriminating against  
13 employees or applicants on the basis of national origin or ancestry are unlawful. Cal. Code  
14 Regs. tit. 2 § 11028(h).

15 30. At all times mentioned in this Complaint, DEFENDANT EMPLOYERS  
16 regularly employed five or more persons, bringing them within the provisions of FEHA,  
17 which prohibits employers or their agents from, among other things, discriminating  
18 against employees based on the employee’s national origin.

19 31. Plaintiff was subjected to discrimination in the workplace. Plaintiff is  
20 informed and believes that said discrimination was based on his national origin and  
21 immigration status. Plaintiff is informed and believes and based thereon alleges that  
22 DEFENDANT EMPLOYERS did not want to employ individuals from other countries  
23 and/or those with O-1 Agency visas.

24 32. As a direct, foreseeable, and proximate result of DEFENDANT  
25 EMPLOYERS’ discriminatory acts, Plaintiff has suffered and continues to suffer injuries,  
26 substantial losses in earnings and job benefits, as well as humiliation, embarrassment,  
27 mental and emotional distress, and discomfort, all to Plaintiff’s damage in an amount  
28 over the minimum jurisdiction of this Court, the precise amount of which will be proven

1 at trial. Plaintiff claims such amount as damages together with pre-judgment interest  
2 pursuant to Civil Code section 3287 and/or any other provision of law providing for pre-  
3 judgment interest.

4 33. As a further proximate result of DEFENDANT EMPLOYERS' conduct  
5 described in this Complaint, Plaintiff has incurred and will continue to incur medical  
6 expenses in an amount according to proof at the time of trial.

7 34. As a result of the aforesaid acts of DEFENDANT EMPLOYERS, Plaintiff  
8 claims general damages for mental and emotional distress and aggravation in an amount  
9 to be proven at the time of trial.

10 35. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through  
11 their officers, directors, and/or managing agents, acted with oppression, fraud, malice,  
12 and in the conscious disregard of the rights of Plaintiff; therefore, Plaintiff is also entitled  
13 to punitive damages in an amount according to proof at the time of trial.

14 36. Plaintiff, who has incurred and continue to incur attorneys' fees and legal  
15 expenses, is also entitled to recover said costs and fees in an amount according to proof  
16 at the time of trial, pursuant to Government Code section 12965(b).

17  
18 **SECOND CAUSE OF ACTION**

19 **(Harassment, Pursuant to Government Code § 12940(j),**

20 **Against DEFENDANT EMPLOYERS, and Does 1 through 10)**

21 37. Plaintiff re-alleges and incorporates all previous and subsequent  
22 paragraphs of this Complaint, as though fully set forth herein.

23 38. Under Government Code section 12940(j), it is unlawful for an employer  
24 or individual to harass an employee based on, among other things, the employee's  
25 national origin and/or immigration status.

26 ///

27 ///

28 ///

1           39. DEFENDANT EMPLOYERS, and each of them, engaged in actions to  
2 harass Plaintiff, an employee from another country, working with an O-1 Visa because  
3 of his national origin/immigration status. Defendants, and each of them, violated  
4 Government Code section 12940(j) by creating a hostile work environment and by  
5 failing to prevent said acts from occurring. DEFENDANT EMPLOYERS terminated  
6 Plaintiff's employment after he complained of said acts and sought assistance from his  
7 Union.

8           40. Threats of deportation or derogatory comments about immigration status or  
9 mockery of an accent or language may constitute harassment under FEHA. Cal. Code  
10 Regs. tit. 2 § 11028(j). Even a single threat of deportation, derogatory comment or incident  
11 of mockery may give rise to an unlawful hostile work environment under the act. *Id.*

12           41. DEFENDANT EMPLOYERS' managing agents consistently harassed  
13 Plaintiff throughout his employment, including by repeatedly, publicly, questioning his  
14 right legally work for DEFENDANT EMPLOYERS, failing to timely pay Plaintiff  
15 claiming that his O-1 petition was not employer approved, and by making comments like  
16 [we] "***can absolutely NOT hire any crew working under an 0-1 Visa***"; repeatedly  
17 requesting documents to verify his immigration status (despite having employed him  
18 without issue for years prior) and arbitrarily terminating his employment based on a false  
19 narrative that he was ineligible to work.

20           42. The conduct was carried out, authorized, and/or ratified by Plaintiff's  
21 managers and other officers, directors and/or managing agents of DEFENDANT  
22 EMPLOYERS; therefore, DEFENDANT EMPLOYERS are strictly liable for the  
23 conduct. Alternatively, the actions were known by DEFENDANT EMPLOYERS'  
24 officers, directors and/or managing agents yet nothing was done to prevent it. In either  
25 event, DEFENDANT EMPLOYERS are liable for the conduct because the harassers  
26 were managers and/or because DEFENDANT EMPLOYERS knew or should have  
27 known of the conduct and failed to prevent it and/or ratified and/or condoned it.

28 ///

43. Plaintiff believes that his national origin and/or immigration status were the cause of the unwanted harassing conduct described above. The actions were sufficiently severe or pervasive to alter the conditions of employment and thereby constituted a hostile work environment in violation of FEHA.

44. As a direct, foreseeable, and proximate result of DEFENDANT EMPLOYERS' actions, Plaintiff has suffered and continues to suffer injuries, aggravation, medical expenses, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and emotional distress, and discomfort, all to Plaintiff's damage in an amount over the minimum jurisdiction of this Court, the precise amount of which will be proven at trial.

45. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their officers, directors, and/or managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of Plaintiff; therefore, Plaintiff is also entitled to punitive damages in an amount according to proof at the time of trial.

46. Plaintiff, who has incurred and continues to incur attorneys' fees and legal expenses, is also entitled to recover said costs and fees in an amount according to proof at the time of trial, pursuant to Government Code section 12965(b).

### THIRD CAUSE OF ACTION

**(Retaliation Pursuant to Government Code § 12940(h), Against DEFENDANT  
EMPLOYERS and Does 1 through 10**

47. Plaintiff re-alleges and incorporates all previous and subsequent paragraphs of this Complaint, as though fully set forth herein.

48. Under Government Code section 12940(h), it is an unlawful employment practice for an employer to discriminate against any person because the person has engaged in protected activities under FEHA.

///

///

1           49. Plaintiff is informed and believes and thereon alleges that his engaging in  
2 protected activities was a substantial, motivating, and determining factor in the decision  
3 to terminate his employment as herein alleged, including his multiple complaints to  
4 DEFENDANT EMPLOYERS about illegal treatment including but not limited to,  
5 challenging DEFENDANT EMPLOYERS' actions by involving the union. Plaintiff  
6 also resisted his own termination, questioning DEFENDANTS' reason for what  
7 Plaintiff believed to be a wrongful termination based on illegal reasons. In response,  
8 DEFENDANTS refused to consider Plaintiff for other positions within the company for  
9 which he was qualified though such positions existed. In lieu of undoing the termination  
10 or considering Plaintiff for another position, Plaintiff is informed and believes  
11 DEFENDANT EMPLOYERS instead took steps to prevent Plaintiff from obtaining  
12 future work with DEFENDANT EMPLOYERS by "flagging" Plaintiff's profile as  
13 ineligible for hire in DEFENDANT EMPLOYERS' systems. The wrongful conduct of  
14 DEFENDANT EMPLOYERS constitutes an unlawful, retaliatory employment practice  
15 in violation of Government Code section 12940(h).

16           50. As a proximate result of DEFENDANT EMPLOYERS' actions, Plaintiff  
17 has suffered and continues to suffer substantial losses in earnings and job benefits,  
18 humiliation, embarrassment, mental and emotional distress, and discomfort, all to  
19 Plaintiff's damage in an amount over the minimum jurisdiction of this Court, the precise  
20 amount of which will be proven at trial. Plaintiff claims such amount as damages  
21 together with pre-judgment interest pursuant to Civil Code section 3287 and/or any  
22 other provision of law providing for pre-judgment interest.

23           51. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through  
24 their managing agents, acted with oppression, fraud, malice, and in the conscious  
25 disregard of the rights of Plaintiff; therefore, Plaintiff is also entitled to punitive  
26 damages in an amount according to proof at the time of trial.

27 ///

28 ///





56. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their officers, directors, and/or managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of Plaintiff; therefore, Plaintiff is also entitled to punitive damages in an amount according to proof at the time of trial.

57. Plaintiff, who has incurred and continues to incur attorneys' fees and legal expenses, is entitled to recover said costs and fees in an amount according to proof at the time of trial, pursuant to Government Code section 12965(b).

## **FIFTH CAUSE OF ACTION**

**(Wrongful Termination in Violation of Public Policy Against DEFENDANT  
EMPLOYERS and Does 1 through 10)**

58. Plaintiff re-alleges and incorporates all previous and subsequent paragraphs of this Complaint, as though fully set forth herein.

59. The above-described conduct of DEFENDANT EMPLOYERS constitutes discrimination, harassment, and wrongful termination of Plaintiff in violation of public policy embodied in FEHA, codified at California Government Code sections 12900–12996, California Labor Code sections 1102.5, 1171.5, as well as the California Constitution.

60. As a proximate result of DEFENDANT EMPLOYERS' actions, Plaintiff has suffered and continues to suffer injuries, substantial losses in earnings and job benefits, humiliation, embarrassment, mental and emotional distress, and discomfort, all to Plaintiff's damage in an amount over this Court's jurisdictional minimum, to be proven at trial.

61. As a further proximate result of DEFENDANT EMPLOYERS' conduct described in this Complaint, Plaintiff has incurred and will continue to incur medical expenses in an amount according to proof at the time of trial.

///

///



1 enforce those state laws no inquiry shall be permitted into a person's immigration status  
2 except where the person seeking to make this inquiry has shown by clear and convincing  
3 evidence that the inquiry is necessary in order to comply with federal immigration law.

4 67. Here, Plaintiff complained on numerous occasions about the misconduct  
5 he was being subjected to on the basis of his national origin and/or immigration status.  
6 Plaintiff also complained about potentially illegal practices that were taking place at  
7 work with respect to DEFENDANT EMPLOYERS' immigration practices, including  
8 but not limited failing to pay Plaintiff for time worked, repeatedly harassing Plaintiff  
9 for immigration documents that were in DEFENDANT EMPLOYERS' possession; and  
10 illegal terminating Plaintiff from jobs on the basis of his immigration status.

11 68. By retaliating against Plaintiff for his reporting this conduct,  
12 DEFENDANT EMPLOYERS have caused Plaintiff to suffer damages, including, but  
13 not limited to, injuries, aggravation, medical expenses, substantial losses in earnings  
14 and job benefits, humiliation, embarrassment, mental and emotional distress, and  
15 discomfort, all to Plaintiff's damage in an amount over this Court's jurisdictional  
16 minimum, to be proven at trial.

17 69. Pursuant to California Labor Code section 1102.5(f), in addition to other  
18 available penalties, an employer that is a corporation is liable for a penalty not  
19 exceeding ten thousand dollars for each violation of these sections.

20 70. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through  
21 their officers, directors, and/or managing agents, acted with oppression, fraud, malice,  
22 and in the conscious disregard of the rights of Plaintiff; therefore, Plaintiff is also  
23 entitled to punitive damages in an amount according to proof at the time of trial.

## 24 **SEVENTH CAUSE OF ACTION**

### 25 **(Defamation Against DEFENDANT EMPLOYERS, and Does 1 through 10)**

26 71. Plaintiff re-alleges and incorporates all previous and subsequent paragraphs  
27 of this Complaint, as though fully set forth herein.  
28

1           72. Plaintiff is informed and believes that DEFENDANT EMPLOYERS, by the  
2 herein described acts, conspired to, and in fact did, negligently, recklessly, maliciously,  
3 and intentionally cause internal and external publications of defamation, of and  
4 concerning Plaintiff to third persons and to the community.

5           73. Plaintiff is informed and believes and based thereon alleges that at minimum  
6 DEFENDANT EMPLOYERS made defamatory statements about him, with malice, to  
7 others throughout the organization including but not limited to each other, others in  
8 management, others in Human Resources, and others in the legal department. These  
9 included, but were not necessarily limited to, statements and/or insinuations that Plaintiff  
10 was not legally permitted to work for DEFENDANT EMPLOYERS.

11           74. DEFENDANT EMPLOYERS did this for the purpose of establishing a basis  
12 to terminate Plaintiff based on illegal reasons; i.e. for pretextual reasons and out of malice.

13           75. Plaintiff is also informed and believes that DEFENDANT EMPLOYERS  
14 have published to third parties defamatory statements about Plaintiff.

15           76. While the precise dates of each publication are not known, Plaintiff is  
16 informed and believes that they occurred between February 2021 and the present day.

17           77. All of the statements at issue were false, malicious, discriminatory,  
18 retaliatory and/or pretextual.

19           78. DEFENDANT EMPLOYERS published such statements maliciously, with  
20 no reasonable belief that the statements were true, with reasons to doubt the veracity of  
21 the statements, or knowing they were false.

22           79. All of the defamatory statements were published excessively; i.e., to more  
23 third parties than needed to know, which further evidences malice. (*Rancho La Costa,*  
24 *Inc. v. Sup. Ct.* (1980) 106 Cal.App.3d 646, 665-6.)

25           80. The defamatory publications consisted of oral and written, knowingly false  
26 and unprivileged communications tending to injure Plaintiff and Plaintiff's personal,  
27 business, and professional reputation, including Plaintiff's own compelled self-  
28 publication of the defamatory statements to members of the community as well as to

1 prospective employers. These publications included the above false and defamatory  
2 statements (in violation of Civil Code §§ 45, 45a and 46(1)(3)(5)).

3 81. Plaintiff is informed, believes and fears that these false and defamatory per  
4 se statements will continue to be published by DEFENDANT EMPLOYERS and will be  
5 foreseeably republished by their recipients, all to the ongoing harm and injury to  
6 Plaintiff's business, professional, and personal reputations. Plaintiff also seeks redress in  
7 this action for all foreseeable republications, including Plaintiff's own compelled self-  
8 publication of these defamatory statements.

9 82. The above defamatory statements were understood as assertions of fact, and  
10 not as opinion. Further, the defamatory meaning of all of the above-described false and  
11 defamatory statements and their reference to Plaintiff, were understood by these above-  
12 referenced third person recipients and other members of the community who are known  
13 to all Defendants but unknown to Plaintiff at this time.

14 83. Each of these false defamatory per se publications (as set forth above) were  
15 negligently, recklessly, and intentionally published in a manner equaling malice and  
16 abuse of any alleged conditional privilege (which Plaintiff denies existed), since the  
17 publications, and each of them, were made with hatred, ill will, and an intent to vex,  
18 harass, annoy, and injure Plaintiff in order to justify the illegal and cruel actions of  
19 DEFENDANT EMPLOYERS, and each of them, to cause further damage to Plaintiff's  
20 professional and personal reputation, and to cause his employment to be terminated.

21 84. As a proximate result of the publication and republication of these  
22 defamatory statements by DEFENDANT EMPLOYERS, Plaintiff has suffered injury to  
23 Plaintiff's personal, business and professional reputation including suffering  
24 embarrassment, humiliation, severe emotional distress, shunning, anguish, fear, loss of  
25 employment, and employability, and significant economic loss in the form of lost wages  
26 and future earnings, all to Plaintiff's economic, emotional, and general damage in an  
27 amount according to proof.

28 ///

1           85. DEFENDANT EMPLOYERS committed the acts alleged herein recklessly,  
2 maliciously, fraudulently, and oppressively, with the wrongful intention of injuring  
3 Plaintiff, for an improper and evil motive amounting to malice (as described above), and  
4 which abused and/or prevented the existence of any conditional privilege, which in fact  
5 did not exist, and with a reckless and conscious disregard of Plaintiff's rights. All actions  
6 of DEFENDANT EMPLOYERS, their agents and employees, herein alleged were  
7 known, ratified and approved by DEFENDANT EMPLOYERS, and each of them.  
8 Plaintiff is thus entitled to recover punitive and exemplary damages from Defendants for  
9 these wanton, obnoxious, and despicable acts in an amount based on the wealth and  
10 ability to pay according to proof at the time of trial. DEFENDANT EMPLOYERS'  
11 defamatory publications were a substantial factor in causing Plaintiff's harm. Plaintiff  
12 has been damaged in an amount in excess of the jurisdictional limits of this Court.

13  
14                                   **EIGHTH CAUSE OF ACTION**

15                   **(Intentional Infliction of Emotional Distress Against DEFENDANT**  
16                   **EMPLOYERS, and Does 1 through 10)**

17           86. Plaintiff re-alleges and incorporates all previous and subsequent paragraphs  
18 of this Complaint, as though fully set forth herein.

19           87. The conduct of DEFENDANT EMPLOYERS, as set forth above, was so  
20 extreme and outrageous that it exceeded the boundaries of a decent society and lies  
21 outside the compensation bargain. Said conduct was intended to cause Plaintiff severe  
22 emotional distress or was done in conscious disregard of the probability of causing severe  
23 emotional distress. Said conduct was also in direct violation of California law public  
24 policy, specifically those found in FEHA, the California Labor Code, the California  
25 Constitution and the California Civil Code.

26           88. As a proximate result of the wrongful conduct of DEFENDANT  
27 EMPLOYERS, Plaintiff has sustained substantial losses in earnings and other  
28 employment benefits in an amount according to proof at the time of trial.



89. As a further proximate result of the wrongful conduct of DEFENDANT EMPLOYERS, Plaintiff has suffered and continues to suffer humiliation, embarrassment, severe emotional distress, and mental anguish, all to Plaintiff's damage in an amount according to proof at the time of trial.

90. In doing the acts herein alleged, DEFENDANT EMPLOYERS, through their managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of Plaintiff; therefore, Plaintiff is also entitled to punitive damages in an amount according to proof at the time of trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff **JIM NICHOLAS JAMES** prays for judgment against Defendants **TWENTIETH-CENTURY FOX FILM CORPORATION; WALT DISNEY COMPANY, LLC; ABC SIGNATURE STUDIOS, INC;** and **DOES 1 through 10**, as follows:

1. For past and present compensatory damages, according to proof;
2. For pre and post-judgment interest at the legal rate;
3. For exemplary and punitive damages according to proof;
4. Injunctive, equitable and declaratory relief;
5. Attorneys' fees and costs of suit; and
6. For such other and further relief as the Court deems proper.

Dated: September 26, 2022 JAVANMARDI LAW, PC | HOLMQUIST LAW, PC



Peter A. Javanmardi  
Marc A. Holmquist  
Miranda A. Mossavar  
Attorneys for Plaintiff  
JIM NICHOLAS JAMES

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

Dated: September 26, 2022 JAVANMARDI LAW, PC | HOLMQUIST LAW, PC



---

Peter A. Javanmardi  
Marc A. Holmquist  
Miranda A. Mossavar  
Attorneys for Plaintiff  
JIM NICHOLAS JAMES